



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,262	03/24/2004	Stuart A. Green	286674.123US2 (HH/P103745)	4189
23483	7590	01/15/2008	EXAMINER	
WILMERHALE/BOSTON 60 STATE STREET BOSTON, MA 02109			DUNN, MISHAWN N	
			ART UNIT	PAPER NUMBER
			2621	
			NOTIFICATION DATE	DELIVERY MODE
			01/15/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

michael.mathewson@wilmerhale.com  
teresa.carvalho@wilmerhale.com  
sharon.matthews@wilmerhale.com

**Office Action Summary**

Application No.

10/808,262

Applicant(s)

GREEN ET AL.

Examiner

Mishawn N. Dunn

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11, 12, 14, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16 and 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims have improper language regarding a machine-readable medium.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 11, 12, 14, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by De Haan (WO 01/01416).
4. Consider claim 1. De Haan teaches a method for merging first and second data associated with first and second DVD-Video zone directories respectively; the method comprising: identifying the registers used by at least one of the first and second data; allocating use of the registers to at least one of the first and second data according to said identifying; and creating data associated with video manager information (VMGI) of

the DVD-video disc image data to accommodate at least one of the first and second DVD-Video zones (pg. 3, lines 11-24).

5. Consider claim 2. De Haan teaches a method as claimed in claim 1 further comprising collating the first and second data to produce DVD-Video data (pg. 3, lines 18-24).

6. Consider claim 3. De Haan teaches a method as claimed in claim 1, in which at least one of the first and second data comprises at least one of a Group of Picture, a Video Object, a Video Object Set, a Video Object Unit, a Cell, Program, Part\_of\_Title, Program Chain, Title, Navigation Pack, Video Pack, Audio Pack or DVD-Video disc image data (fig. 3).

7. Consider claim 4. De Haan teaches a method as claimed in claim 1 in which the step of creating comprises creating menu data of video manager menu data (video\_ts.vob) to access at least one of the first and second data (pg. 3, lines 25-26).

8. Consider claim 5. De Haan teaches a method as claimed in claim 1, further comprising establishing a backup copy of the data associated with the video manager information (pg. 4, lines 20-23).

9. Consider claim 6. De Haan teaches a method as claimed in claim 5 in which establishing a backup copy of the data associated with the video manager information comprises creating VMGI backup information (video\_ts.bup) (pg. 4, lines 20-23).

10. Consider claim 7. De Haan teaches all claimed limitations as stated above, except a method as claimed in claim 1 in which the first and second data were created

using respective, different, authoring tools or by different authors using the same tool (abstract).

11. Consider claim 16. De Haan teaches a computer program comprising executable code to implement a method as claimed in claim 1 (pg. 7, lines 19-21).

12. Claims 11, 12, 14, and 17 are rejected using similar reasoning as the corresponding claims above.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Haan (WO 01/01416) in view of Nozaki et al. (US Pat. No. 6,396,998).

15. Consider claim 8. De Haan teaches all claimed limitations as stated above, except a method as claimed in claim 1, further comprising, prior to identifying, determining whether or not at least one of the first and second data has associated copy protection.

However, Nozaki et al. teaches a method as claimed in claim 1, further comprising, prior to identifying, determining whether or not at least one of the first and second data has associated copy protection (abstract).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to determine whether or not data has associated copy protection, in order to be able to reflect copy protection information.

16. Consider claim 9. Nozaki et al. teaches a method as claimed in claim 8 further comprising creating the first data using a respective authoring tool and performing the steps of determining by using that respective authoring tool (col. 3, lines 50-62).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

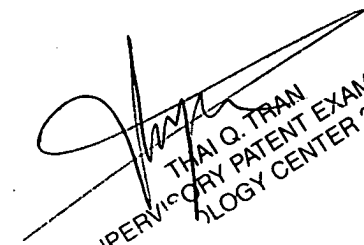
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/808,262  
Art Unit: 2621

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mishawn Dunn  
January 5, 2008



THAI Q. TRAN  
SUPERVISORY PATENT EXAMINER  
BIOLOGY CENTER 2600